

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Rita Shine Bird
fka Rita Shine Montano
Debtor(s)

Bankruptcy Case No.: 17-21787-CMB
Per July 2, 2020 Proceeding
Chapter: 13
Docket No.: 83 – 77, 80
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 29, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☒ B. The length of the Plan is increased to a total of 76 months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

PNC Bank (Cl #4) to be paid per stipulated order of 04/22/2020 at Doc. #75.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: July 8, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

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 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Rita Shine Bird
 Debtor

Case No. 17-21787-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: gamr
 Form ID: 149

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 Total Noticed: 33

Date Rcvd: Jul 08, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 10, 2020.

db
 14660127 +Rita Shine Bird, 379 West Wylie Avenue, Washington, PA 15301-2251
 14412563 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14412564 +Cavalry Portfolio Serv / Synchrony Bank, Po Box 27288, Tempe, AZ 85285-7288
 14412566 +Collection Service Cen / WHS Family Medi, 839 5th Ave, New Kensington, PA 15068-6303
 14412568 +Dsnb Macys, Po Box 8218, Mason, OH 45040-8218
 14412569 +Key Bank, 200 West Beau Street, Washington, PA 15301-4404
 14412571 +Keystone Motor Credit, 869 Jefferson Avenue, Washington, PA 15301-3858
 14412573 +Midland Funding / Synchrony Bank, 2365 Northside Dr Ste 30, San Diego, CA 92108-2709
 14668993 +PNC Bank, c/o Mark J Udren, Esq., 111 Woodcrest Road, Suite 200,
 14654368 Cherry Hill, NJ 08003-3620
 14412574 +PNC Bank, N.A., PO BOX 94982, Cleveland, OH 44101-4982
 14412575 +PNC Bank, N.A., 3232 Newmark Drive, Miamisburg, OH 45342-5421
 14412576 +Pnc Bank, N.a., 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 14766389 +Pnc Bank, N.a., 1 Financial Pkwy, Kalamazoo, MI 49009-8002
 14725839 +Pnc Mortgage, Po Box 8703, Dayton, OH 45401-8703
 14412580 +SANTANDER CONSUMER USA, P.O. Box 560284, Dallas, TX 75356-0284
 14648225 +Santander Consumer USA, 1010 W Mockingbird Lane, Suite 100, Dallas, TX 75247-5126
 14412582 +Transworld Sys Inc/51 / MedExpress, 507 Prudential Rd, Horsham, PA 19044-2308
 US DEPARTMENT OF EDUCATION, CLAIMS FILING UNIT, PO BOX 8973, MADISON, WI 53708-8973
 +Us Dept Of Ed/glelsi, 2401 International Lane, Madison, WI 53704-3121

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14678690 +E-mail/Text: bankruptcy@cavps.com Jul 09 2020 04:33:57 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 14412565 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 09 2020 04:33:19 Comenitybk/victoriasec,
 Po Box 182789, Columbus, OH 43218-2789
 14681763 E-mail/Text: bnc-quantum@quantum3group.com Jul 09 2020 04:33:22
 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 14683824 E-mail/Text: G06041@att.com Jul 09 2020 04:33:59 Directv, LLC,
 by American InfoSource LP as agent, PO Box 5008, Carol Stream, IL 60197-5008
 14680869 E-mail/Text: JCAP_BNC_Notices@jcap.com Jul 09 2020 04:33:55 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 14412567 +E-mail/Text: JCAP_BNC_Notices@jcap.com Jul 09 2020 04:33:54
 Jefferson Capital Syst / Fingerhut, 16 Mclelland Rd, Saint Cloud, MN 56303-2198
 14421991 +E-mail/Text: key_bankruptcy_ebnc@keybank.com Jul 09 2020 04:33:51 KeyBank N.A.,
 4910 Tiedeman Road, Brooklyn, Ohio 44144-2338
 14412570 +E-mail/Text: bncnotices@becket-lee.com Jul 09 2020 04:33:11 Kohls/capone,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 14678792 +E-mail/Text: bankruptcydpt@mcsmcg.com Jul 09 2020 04:33:41 MIDLAND FUNDING LLC,
 PO BOX 2011, WARREN, MI 48090-2011
 14412572 +E-mail/Text: bankruptcy@wofco.com Jul 09 2020 04:33:03 Mmca/cl, Po Box 91614,
 Mobile, AL 36691-1614
 14413558 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 09 2020 04:36:50
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14412578 +E-mail/PDF: gecsedirecoverycorp.com Jul 09 2020 04:36:03 Sams Club, P.O. Box 530942,
 Atlanta, GA 30353-0942
 14412579 +E-mail/PDF: gecsedirecoverycorp.com Jul 09 2020 04:36:46 Synch/lowes, Po Box 965005,
 Orlando, FL 32896-5005
 14412581 +E-mail/Text: External.Collections@phoenix.edu Jul 09 2020 04:34:06 University Of Phoenix,
 4615 E Elwood St Fl 3, Phoenix, AZ 85040-1950

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC Bank, N.A.
 cr PNC Bank, National Association
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14412577 ##+Receivables Performance / Direct TV, 20816 44th Ave West, Lynnwood, WA 98036-7744
 TOTALS: 2, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-2

User: gamr
Form ID: 149

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Total Noticed: 33

Date Rcvd: Jul 08, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 10, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 8, 2020 at the address(es) listed below:

David A. Rice on behalf of Debtor Rita Shine Bird ricelaw1@verizon.net, lowdenscott@gmail.com
Elizabeth Lamont Wassall on behalf of Creditor PNC Bank, National Association pabk@logs.com,
ewassall@logs.com
Elizabeth Lamont Wassall on behalf of Creditor PNC Bank, N.A. pabk@logs.com,
ewassall@logs.com
James Warmbrodt on behalf of Creditor PNC Bank, National Association bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor PNC Bank, N.A. bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Scott R. Lowden on behalf of Debtor Rita Shine Bird niclowlgl@comcast.net

TOTAL: 8